

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BOYKIN JONES, AIS #115033,

Plaintiff,

vs.

LEON FORNISS, WARDEN, et al.,

Defendant.

**CIVIL ACTION NO.:
2:08-cv-220-MHT**

DEFENDANT NIKKITA SHAMBRAY'S RESPONSE
TO ORDER TO SHOW CAUSE

COMES NOW the Defendant, Nikkita Shambray, LPN, by and through the below signed counsel and respectfully responds to the Court's Order of August 20, 2008 requesting Defendant Shambray to show cause for failing to file an answer and written report in compliance with the Court's Order of July 7, 2008 and would show to the Court as follows:

1. The Defendant Nikkita Shamray, LPN, is an employee of Correctional Medical Services, Inc. She is an LPN at the Staton Correctional Facility located in Elmore, Alabama.

2. Nikkita Shambray is not an employee of the Alabama Department of Corrections.

3. The case action summary sheet shows that Leon Forniss, the Warden of the Staton Correctional Facility and Nikkita Shambray were both served on July 8, 2008. According to the case action summary sheet the return receipt card for both Mr. Forniss

and Ms. Shambray was signed by Angela Thornell on July 8, 2008. Ms. Thornell is an Administrator for the Alabama Department of Corrections and is not an employee of Correctional Medical Services or associated with Ms. Shambray.

4. Apparently, Ms. Thornell signed the return receipt card on behalf of Ms. Shambray on July 8, 2008. Ms. Shambray did not know and was not aware that Ms. Thornell had signed the return receipt card on her behalf.

5. Ms. Shambray was unaware of the Court's Order indicating that she had to file an Answer or Special Report by a certain date.

6. Ms. Shambray received the Court Order (Doc. #16) filed on August 20, 2008, at the Correctional Facility and immediately contacted the below signed attorney.

7. Defendant Shambray did not in any way ignore the Court's Order of July 7, 2008, she merely was not given a copy of the return receipt card and was unaware that Ms. Thornell had accepted service on her behalf.

8. Ms. Shambray will respond to the Court's Order of August 20, 2008 and will file a written report and answer the plaintiff's Complaint on or before September 7, 2008.

Respectfully submitted,

s/Philip G. Piggott

PHILIP G. PIGGOTT

ASB-4379-P67P

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Attorney for Nikkita Shambray

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, and I hereby certified that I have mailed by U. S. Postal Service the document to the following non-CM/ECF participants:

Boykin Jones #115033
2697 Marion Spillway Road
Elmore, AL 36025

s/Philip G. Piggott
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